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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,570	11/03/2004	Reyi Darling	FETHE 68821	1285
24201 7590 04/12/2007 FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			EXAMINER BOLES, DEREK	
			ART UNIT 3749	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/12/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/500,570

Applicant(s)

DARLING, REYI

Examiner

Derek S. Boles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bujak, Jr. (5,863,246). See col. 2, lines 56-67, fig. 1, **16** for the common duct system, **20** and **22** for the at least two outlet ports, **26** for the vent unit, and **32** and **38** for the temperature sensor and the actuator system. Regarding claim 2, see **44**. Regarding claim 3, see the connecting lines in fig. 1.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 4-8 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Bash et al. (6,694,759). Bujak, Jr. discloses all of the limitations of the claim(s) except for the register unit being insertable in each outlet. Bash et al. discloses the presence of a register unit being insertable in each outlet. See fig. 7a. Hence, one skilled in the art would find it obvious to modify the system of Bujak, Jr. to include the register unit being insertable in each outlet of Bash et al. for the purpose of expedited maintenance. Regarding

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claims 8 and 11, see **922**. Regarding claims 9 and 10, see **614**. Regarding claims 17 and 18, see fig. 7a.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Bash et al. It is well-known in the art of HVAC to design a solenoid actuator that is pneumatic or hydraulic with vacuum or ratcheting action. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the features of cylindrical actuator that is pneumatic or hydraulic with vacuum or ratcheting action into the system of Bujak, Jr. in view of Bash et al. for the purpose of energy conservation.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Bash et al. It is well-known in the art of HVAC to design fluid transport systems with seals. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the features of seals into the system of Bujak, Jr. in view of Bash et al. for the purpose of leak prevention.

Claim(s) 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Daroga (4,631,872). Bujak, Jr. discloses all of the limitations of the claim(s) except for an over pressure valve. Daroga discloses the presence of an over pressure valve. See claim 1. Hence, one skilled in the art would find it obvious to modify the system of Bujak, Jr. to include the an over pressure valve of Daroga for the purpose of system protection.

Claim(s) 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Ho et al. (5,833,134). Bujak, Jr. discloses all of the limitations of the claim(s) except for a wireless thermostat communicating with the central controller. Ho et al. discloses the presence of a wireless thermostat communicating with the central controller. See abstract. Hence, one skilled in the art would find it obvious to modify the system of Bujak, Jr. to include

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the a wireless thermostat communicating with the central controller of Ho et al. for the purpose of ease of installation. Regarding claim 24, see fig. 1 of Bujak, Jr.

Claim(s) 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Hayashi et al. (4,259,896). Bujak, Jr. discloses all of the limitations of the claim(s) except for the central controller controlling the vacuum actuator by a vacuum line extending through the duct system. Hayashi et al. discloses the presence of a central controller controlling the vacuum actuator by a vacuum line extending through the duct system. See 27 for the switch, 25 for the plunger, col. 3, lines 15-31. Hence, one skilled in the art would find it obvious to modify the system of Bujak, Jr. to include the central controller controlling the vacuum actuator by a vacuum line extending through the duct system of Hayashi et al. for the purpose of reduction of parts.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Hayashi et al. It is well-known in the art of HVAC to design a solenoid to return to atmospheric pressure by leakage or connection to atmospheric pressure line. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the features of a solenoid to return to atmospheric pressure by leakage or connection to atmospheric pressure line into the system of Bujak, Jr. in view of Hayashi et al. for the purpose of reduction of parts.

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. in view of Hayashi et al. It would have been obvious to one having ordinary skill in the art to provide a plurality of actuators and their complimentary parts, since it has been held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In *re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (571) 272-4872 or supervisory patent examiner Kenneth Rinehart at (571) 272-4881.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.S.B.

  
**DEREK S. BOLES**  
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4/2/07